

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN MARIANA ISLANDS

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CR- 07-00005-001  
CR- 07-00022-001

October 9, 2007  
10:40 a.m.

**UNITED STATES OF AMERICA -v- PAUL VILLANUEVA ADA**

PRESENT: HON. ALEX R. MUNSON, Chief Judge Presiding  
SANA E SHMULL, Court Reporter  
LYNN LEMIEUX, Courtroom Deputy  
CRAIG MOORE, Assistant U. S. Attorney  
F. MATTHEW SMITH, Counsel for Defendant  
PAUL VILLANUEVA ADA, Defendant

PROCEEDING: SENTENCING

Defendant was present with his counsel, Attorney F. Matthew Smith. Government by Craig Moore, AUSA. Also present was U.S. Probation Officer, Melinda Brunson.

Government moved to seal the Courtroom. Defense requested that the family members be allowed to stay in the Courtroom. No objection by Government in regard to the family members remaining in the Courtroom. The Court room was sealed.

No objection by the government of the presentence report. Counsel for defendant had no objections.

Court adopted the presentence investigation report and instructed the Clerk to file the report, under seal, and that the report be made available if the judgment is appealed. The probation officer's recommendation shall also be placed under seal. No objection by the parties.

Government moved for a **downward departure to a level of 18** and a sentence of 30 months imprisonment or the low end of the advisory guidelines. Defense concurred with the Government's motion and requested that the defendant be able to participate in the 500 hour drug treatment program.

Court granted the Government's motion to amend the base offense level to a level of 18.

Defendant made his allocution.

SENTENCE: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant **PAUL VILLANUEVA ADA** is hereby sentenced to **30 months** imprisonment as to CR-07-00005 and **30 months imprisonment** as to CR-07-00022 (both **terms to be served concurrently**). During his term of imprisonment, the defendant shall participate in the 500 hour drug treatment program as approved by the Bureau of Prisons. In addition, he shall participate in vocational or educational programs. Upon release from imprisonment, the defendant is ordered to serve a term of supervised release of three years (**three years each for CR-07-00005 and CR-07-00022 to be served concurrently**) which will include the following conditions:

1. The defendant shall not commit another federal, state, or local crime;
2. The defendant shall not unlawfully possess a controlled substance and shall refrain from any unlawful use of a controlled substance. The shall submit to up to eight drug tests a month for use of a controlled substance at the direction of the U.S. Probation Office;
3. The defendant shall submit to the collection of a DNA sample at the direction of the U.S. Probation Office;
4. The defendant shall comply with the standard conditions of supervision as adopted by this court;
5. The defendant shall be prohibited from possessing a firearm or other dangerous weapon as defined by federal, state, or local law, nor shall he have such weapons at his residence;
6. The defendant shall refrain from the use of all alcoholic beverages;
7. The defendant shall participate in a program approved by the U.S. Probation Office for substance abuse, which program may include testing to determine whether the defendant has reverted to the use of drugs or alcohol. The defendant shall also make co-payment for the program at a rate to be determined by the U.S. Probation Office;
8. That the defendant shall participate in an anger management treatment program as approved by the Bureau of Prisons. The defendant shall also make co-payment for the program at a rate to be determined by the U.S. Probation Office;
8. The defendant shall perform 300 hours of community service under the direction of the U.S. Probation Office.

All fines were waived as the defendant does not have the ability to pay a fine.

The defendant was ordered to pay a special assessment fee of \$200.00 (\$100 for CR-07-00005-001 and \$100 for CR-07-00022-001).

No objection to the sentence by the attorneys. Defendant was advised that he had previously waived his right to appeal the sentence in this case but that if he or his attorney find any other reason in which to appeal that he had ten days in which to do so. Further, the defendant was advised of his right to an attorney for appeal and that the Court will appoint an attorney if he could not afford one.

Government moved to dismiss **Count I** in CR-07-00005. Court so ordered.

Defense requested two weeks to make the \$200 assessment fee payment. Court so Granted the request.

Defendant was remanded into the custody of the U.S. Marshal.

Adj. 11:15 a.m.

/s/ Lynn Lemieux, Courtroom Deputy